

## **REMARKS**

This Preliminary Amendment is submitted in connection with a Continued Processing Application and is responsive to the Office Action dated July 2, 2000. Applicants have elected to file the CPA, along with this amendment, in lieu of an appeal brief that was to be submitted pursuant to the Notice of Appeal that was filed on January 8, 2001. Attached hereto, therefore, are a Request for Extension of Time from March 8, 2001 to July 9, 2001 and the appropriate fee.

Applicants have canceled claims 1, 2, 5, 7, 8 15-17, 20 and 39-46, without prejudice, such that only claims 47-55 remain. The following remarks are directed to the noted paragraphs in the Office Action of July 2, 2000.

### **Paragraph 1**

This paragraph is no longer applicable in view of the herein cancelation of claims 40 and 41.

### **Paragraphs 2 and 3**

In these two related paragraphs, the Office Action rejects claim 1 and 47 under 35 U.S.C. 112, first paragraph, as not being enabling and, on the flip side of the same coin, as containing new matter.

This paragraph is no longer applicable as to Claim 1 in view of the herein cancelation of that claim.

The Office Action rejects Claim 47, however, because it recites

b) Claim 47: "...powder that is adapted to fuse into and form a permanent bond with the molded polyethylene article..."

whereas the specification teaches that the bond is with the composition as a whole:

9:29-35 refers to a permanent bond between the composition as a whole and the polyolefin, and does not suggest that the bond is specifically between the powder and the polyolefin.

In order to resolve the section 112 rejection, Applicants have clarified the functional requirement of Claim 47's thermoplastic powder to conform to the teachings of the original specification that were quoted by the Examiner, i.e.:

a particulate thermoplastic powder that is adapted to fuse into and form a permanent bond of the decorative enhancement composition as a whole with the molded polyethylene article

As to Claim 47, therefore, Applicants respectfully submit that no further Section 112 concerns remain.

Paragraphs 4 and 5

In view of the above amendments to Claim 47 that resolve the Section 112 rejection, and the fact that Claim 47 literally reads on the process in 08/566906, Applicants respectfully submit that they are entitled to the filing date of 08/566906.

Applicants note the Action's comments regarding different ranges of weight percentages and different timings of incorporation that are contained in its patent application. Claim 47, however, does not include any limitations as to weight percentage or the timing of incorporation.

While percentage ranges and timing of incorporation are disclosed in the specification, that is only because of Applicants' obligation to disclose their preferred embodiment and reveal their best mode of practicing the invention. As the law permits, however, Applicants did not incorporate the details of their preferred embodiment into the broadest definition of their invention.


Applicants respectfully submit, in other words, that while these details are part of a preferred embodiment of their claimed invention, they are not in the invention defined by Claim 47. Claim 47, without these details, reads on 08/566906 and Applicants are entitled to the filing date of 08/566906.

Summary

Applicants earnestly solicit a Notice of Allowance with respect to Claims 47-55 in view of the herein amendments and accompanying remarks.

The Examiner is invited to call the undersigned attorney if it appears that a telephone conference would further this case in any way.

Respectfully submitted,



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